



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 480

AS ENACTED

FRIDAY, MARCH 30, 2012

RECEIVED AND FILED
DATE April 11, 2012
4:22 p.m.
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Mary Sue Pickens

1 AN ACT relating to county attorney-operated traffic programs.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 186.574 is amended to read as follows:

4 (1) The Transportation Cabinet shall establish a state traffic school for new drivers and
5 for traffic offenders. The school shall be composed of uniform education and
6 training elements designed to create a lasting influence on new drivers and a
7 corrective influence on traffic offenders. District Courts may in lieu of assessing
8 penalties for traffic offenses, other than for KRS 189A.010, sentence offenders to
9 state traffic school and no other. The Transportation Cabinet shall enroll a person in
10 state traffic school who fails to complete a driver's education course pursuant to
11 KRS 186.410(5).

12 (2) If a District Court stipulates in its judgment of conviction that a person attend state
13 traffic school, the court shall indicate this in the space provided on the abstract of
14 conviction filed with the Transportation Cabinet. Upon receipt of an abstract, the
15 Transportation Cabinet, or its representative, shall schedule the person to attend
16 state traffic school. Failure of the person to attend and satisfactorily complete state
17 traffic school in compliance with the court order, may be punished as contempt of
18 the sentencing court. The Transportation Cabinet shall not assess points against a
19 person who satisfactorily completes state traffic school. However, if the person
20 referred to state traffic school holds or is required to hold a commercial driver's
21 license, the underlying offense shall appear on the person's driving history record.

22 (3) The Transportation Cabinet shall supervise, operate, and administer state traffic
23 school, and shall promulgate administrative regulations pursuant to KRS Chapter
24 13A governing facilities, equipment, courses of instruction, instructors, and records
25 of the program. In the event a person sentenced under subsection (1) of this section
26 does not attend or satisfactorily complete state traffic school, the Transportation
27 Cabinet may deny that person a license or suspend the license of that person until he

1 reschedules attendance or completes state traffic school, at which time a denial or
2 suspension shall be rescinded.

3 (4) Persons participating in the state traffic school as provided in this section shall pay a
4 fee of fifteen dollars (\$15) to defray the cost of operating the school, except that if
5 enrollment in state traffic school is to satisfy the requirement of KRS 186.410(4)(c),
6 a fee shall not be assessed. Any funds collected pursuant to KRS 186.535(1) that are
7 dedicated to the road fund for use in the state driver education program may be used
8 for the purposes of state traffic school.

9 (5) The following procedures shall govern persons attending state traffic school
10 pursuant to this section:

11 (a) A person convicted of any violation of traffic codes set forth in KRS Chapters
12 177, 186, or 189, and who is otherwise eligible, may in the sole discretion of
13 the trial judge, be sentenced to attend state traffic school. Upon payment of the
14 fee required by subsection (4) of this section, and upon successful completion
15 of state traffic school, the sentence to state traffic school shall be the person's
16 penalty in lieu of any other penalty, except for the payment of court costs;

17 (b) Except as provided in KRS 189.990(28), a person shall not be eligible to
18 attend state traffic school who has been cited for a violation of KRS Chapters
19 177, 186, or 189 that has a penalty of mandatory revocation or suspension of
20 an offender's driver's license;

21 (c) Except as provided in KRS 189.990(28), a person shall not be eligible to
22 attend state traffic school for any violation if, at the time of the violation, the
23 person did not have a valid driver's license or the person's driver's license was
24 suspended or revoked by the cabinet;

25 (d) Except as provided in KRS 189.990(28), a person shall not be eligible to
26 attend state traffic school more than once in any one (1) year period, unless
27 the person wants to attend state traffic school to comply with the driver

1 education requirements of KRS 186.410; and

- 2 (e) The cabinet shall notify the sentencing court regarding any person who was
3 sentenced to attend state traffic school who was ineligible to attend state
4 traffic school. A court notified by the cabinet pursuant to this paragraph shall
5 return the person's case to an active calendar for a hearing on the matter. The
6 court shall issue a summons for the person to appear and the person shall
7 demonstrate to the court why an alternative sentence should not be imposed.

8 (6) (a) Except as provided in paragraph (b) of this subsection, a county attorney
9 may operate a traffic safety program for traffic offenders prior to the
10 adjudication of the offense.

11 (b) Offenders alleged to have violated KRS 189A.010 or 304.30-010, offenders
12 holding a commercial driver's license under KRS Chapter 281A, or
13 offenders coming within the provisions of subsection (5)(b) or (c) of this
14 section shall be excluded from participation in a county attorney-operated
15 program.

16 (c) A county attorney that operates a traffic safety program:

17 1. May charge a reasonable fee to program participants, which shall
18 only be used for payment of county attorney office operating expenses;
19 and

20 2. Shall, by October 1 of each year, report to the Prosecutors Advisory
21 Council the fee charged for the county attorney-operated traffic safety
22 program and the total number of traffic offenders diverted into the
23 county attorney-operated traffic safety program for the preceding
24 fiscal year categorized by traffic offense.

25 (d) Each participant in a county attorney-operated traffic safety program shall,
26 in addition to the fee payable to the county attorney, pay a twenty-five dollar
27 (\$25) fee to the court clerk which shall be paid into a trust and agency

1 account with the Administrative Office of the Courts and is to be used by the
2 circuit clerks to hire additional deputy clerks and to enhance deputy clerk
3 salaries.

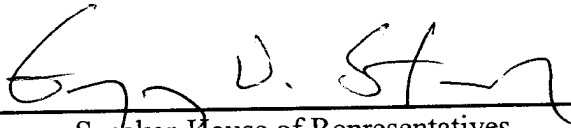
4 ➔ Section 2 KRS 15.720 is amended to read as follows:

5 (1) The Attorney General shall submit:

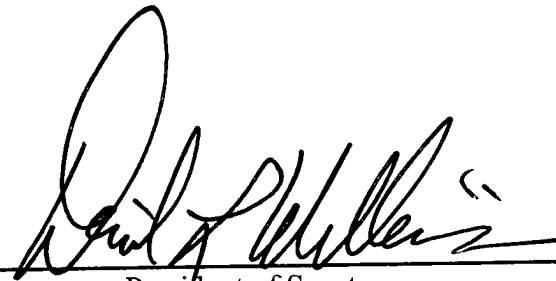
6 (a) To the Governor and to the General Assembly a biennial report setting forth
7 the activities of the unified prosecutorial system for the preceding fiscal years;
8 to be included in this report are the activities of the Prosecutors Advisory
9 Council, an abstract of the annual report of the local prosecutors, and
10 suggestions and recommendations for the uniform enforcement of the criminal
11 laws of the Commonwealth; and

12 (b) To the Legislative Research Commission an annual report, by January 15
13 of each year, setting forth the total number of traffic offenders diverted into
14 county attorney-operated traffic safety programs for the preceding fiscal
15 year categorized by county and by traffic offense, and the fee charged by
16 each county attorney-operated traffic safety program.


17 (2) Each Commonwealth's attorney and county attorney shall be required by the council
18 to submit such written reports as are determined necessary for the preceding
19 calendar year.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-11-12